

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

BUILDERS GROUP, LLC

Plaintiff,

v.

TRAVIS HOPKINS and SKILLD LABS,
LLC,

Defendants.

§
§
§
§
§
§
§
§
§
§

Civil Action No. 3:23-cv-02492-X

**DEFENDANTS' MOTION AND BRIEF REQUESTING TO STRIKE PLAINTIFF'S
"SEALED" PLEADINGS**

Defendants Travis Hopkins ("Hopkins") and Skilld Labs, LLC ("Skilld Labs") (collectively, "Defendants") file this Motion and Brief objecting to, and/or seeking to strike, Plaintiff's "sealed" pleadings ("Motion").

BACKGROUND

1. Plaintiff filed a "Motion for Leave" seeking permission to seal an appendix and amended complaint. Dkt. 9. The docket does not show any proposed order was filed, and no order was issued. Plaintiff then filed at least five pleadings under seal. Dkts. 11, 14-16, and 30.

2. Defendants ask the Court to strike those pleadings from the docket.

ARGUMENT

3. For permission to seal, Plaintiff needed to:

- a. identify precisely what information (pages, lines, etc.) it wants to remain sealed in the documents already filed under seal;
- b. conduct a line-by-line, page-by-page analysis explaining and briefing why the risks of disclosure outweigh the public's right to know;
- c. explain why no other viable alternative to sealing exists;
- d. draft the sealing motion "in a way that does not disclose confidential information";

- e. include with the sealing motion a proposed public version of any part of any motion and supporting materials that he seeks to maintain under seal, with any and all assertedly confidential information redacted; and
- f. support all facts recited in the revised sealing motion with a verification by the oath or declaration of a person or persons with personal knowledge, to assist the Court in making fact findings that can withstand appellate scrutiny.

In re Oh, No. 3:23-MC-56-X, 2023 WL 7004962, at *6 (N.D. Tex. Oct. 24, 2023) (Horan, M.J.) (citations omitted).

4. Plaintiff did not do so. Also, Plaintiff did not obtain any sealing order allowing permission to file under seal. *See also* LR 79.3(b) (“If no statute or rule requires or permits a document to be filed under seal, a party may file a document under seal only on motion and by permission of the presiding judge.”).

5. Plaintiff seems to want the privacy of an arbitration (*i.e.*, filings not on publicly available portal) while avoiding its arbitration provision.

6. Thus, Defendants object and ask the Court to strike the “sealed” pleadings.

PRAYER

Defendants respectfully request the Court to grant the objections and strike in whole or part the related pleadings. Defendants respectfully request all other relief that they may be deemed entitled under law and/or equity.

Respectfully submitted this 28th day of November, 2023.

HOLLAND & KNIGHT

s/ Sara Staha

Sara S. Staha

Texas Bar No. 24088368

Email: Sara.Staha@hklaw.com

Nicholas A. Sarokhanian

Texas Bar No. 24075020

Email: Nicholas.Sarokhanian@hklaw.com

Weston J. Mumme

Texas Bar No. 24108300

Email: Weston.Mumme@hklaw.com

Holland & Knight LLP

One Arts Plaza

1722 Routh Street, Suite 1500

Dallas, TX 75201

Telephone: (214) 964-9448

Facsimile: (214) 964-9501

and

ROGGE DUNN GROUP, PC

s/ Greg McAllister

Greg McAllister

Texas Bar No. 24071191

500 N. Akard Street, Suite 1900

Dallas, Texas 75201

Tel. (214) 747-1304

mcallister@roggedunngroup.com

Counsel for Defendants